

TRIAL TRANSCRIPT

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Richard Seeborg, Judge

ANIBAL RODRIGUEZ, et al.,)
individually and on behalf of)
all others similarly situated,)

Plaintiffs,)

VS.)

GOOGLE LLC,)

Defendant.)
_____)

NO. 3:20-CV-04688 RS

San Francisco, California

Tuesday, August 26, 2025

TRANSCRIPT OF JURY TRIAL PROCEEDINGS

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1 highlight the value that Google is driving to their business,
2 that they may choose to spend more money with Google. So
3 indirectly Google may benefit from usage of analytics.

4 Q. Now, Mr. Ganem, we have a lot to cover today, but I want
5 to jump right to the heart of this case so that the jury has
6 the benefit of hearing your thoughts.

7 You've been sitting here throughout the trial. We've
8 discussed that. Did you hear Dr. Hochman's testimony regarding
9 a 30-story building of data?

10 A. I did.

11 Q. Did you have any understanding as to what he was trying to
12 convey with his 30-story building analogy.

13 A. My understanding is that he was trying to convey that
14 there was device profiles that had mountains of SWAA-off data
15 associated with them in Google Analytics.

16 Q. Does Google Analytics maintain profiles of user data
17 organized by device or by user?

18 A. No. That's not how Google Analytics stores its data.

19 Q. Is it stored in the form of the equivalent of a 30-story
20 building of data assigned to a particular user or a particular
21 device?

22 A. No. That's not how I would describe it.

23 Q. How is the data stored?

24 A. Google Analytics stores data compartmentalized in accounts
25 that are created by our customers. So each business that signs

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1 up for analytics effectively has its own storage unit or
2 account where their data that belongs to their business
3 resides.

4 **Q.** Using Dr. Hochman's analogy of the 30-story building, can
5 you explain how the data is organized?

6 **A.** If you were to describe Google Analytics data as being in
7 a building, it would be more like where -- a building where
8 there's many apartments, one apartment per business that uses
9 Google Analytics, where the data for that business is stored
10 only in their apartment and kept separated from the other
11 businesses that use Google Analytics.

12 **Q.** Does the data in each apartment from each different app,
13 can the data intermingle?

14 **A.** Not in Google Analytics, no.

15 **Q.** Is there anything that restricts Google from intermingling
16 the data from the different apartments assigned to the
17 different apps?

18 **A.** There's lots of technical barriers that we put in place to
19 make sure that that does not happen. For example, encryption
20 and access to the data is locked down. There are policies, but
21 there's also technical access restrictions put in place to make
22 sure that the -- only the people who are working on providing
23 the service to our customers have access to that data and, of
24 course, the customers themselves have access to their data.

25 **Q.** Now, you heard Dr. Hochman refer to something he calls a

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1 shadow account. Does your product maintain shadow accounts of
2 analytics data organized by user or device or any other
3 identifier assigned to users?

4 **A.** No, it doesn't.

5 **Q.** Have you prepared anything to help the jury understand
6 your analogy?

7 **A.** Yes. We put together a series of diagrams that helps
8 describe this better, in a way that's more faithfully
9 represented with how the product actually works.

10 **Q.** What prompted you to prepare this diagram?

11 **A.** Honestly, sitting in court and hearing others who aren't
12 as familiar with the product describe how it works and how it
13 stores data, I felt compelled to set the record straight on how
14 it actually works.

15 **MR. SANTACANA:** Okay. Let's go ahead and look at
16 Mr. Ganem's first slide, Brooklyn.

17 **Q.** Is this --

18 **THE COURTROOM DEPUTY:** To the jury?

19 **MR. SANTACANA:** Yes, please. I don't believe there's
20 an objection.

21 **BY MR. SANTACANA:**

22 **Q.** Mr. Ganem, is this the diagram you were just referring to?

23 **A.** I'm waiting for it to show up somewhere.

24 Yes, this is right.

25 **Q.** So now that the diagram is on the screen, can you please

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1 both Nike and McDonald's, that by virtue of us using different
2 encryption keys and encrypting this data, the numbers that we
3 actually store in each of these accounts, these apartments, are
4 actually different from one another.

5 Q. So if I -- and I won't pull my phone out, but if I pulled
6 my phone out and I used the Nike app and I used the Uber app
7 and I used the Reddit app, are you saying that the numbers that
8 are recorded associated with my phone for those three apps
9 would be the same or different?

10 A. Those would be different for your pseudonymous user
11 identifiers.

12 Q. Is Google Analytics able to translate those three blue
13 numbers to figure out that each one of them came from the same
14 phone?

15 A. Only for providing the service to the app developer.

16 Q. So, Mr. Ganem, did you hear Mr. -- Mr. Rodriguez's
17 testimony yesterday concerning puzzle pieces?

18 A. Yes, I did.

19 Q. Do you have an understanding of the point Mr. Rodriguez
20 was trying to make when he was talking about puzzle pieces?

21 A. I think I do.

22 Q. What is your understanding of his analogy?

23 A. Combining the two analogies, my understanding is that each
24 of these apartments represents what he believes to be a piece
25 of the puzzle that describes him.

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1 Q. What do you think of his analogy?

2 A. I don't think that's unfair to say that each of these
3 apartments individually characterizes some description of his
4 behavior.

5 Q. Does Google put -- under any circumstance, does Google put
6 the puzzle pieces together?

7 A. I would say that it does for sWAA-on users. That's
8 effectively the expectation we set, and the value of sWAA on is
9 putting it together so that your content is personalized based
10 on these signals.

11 Q. Continuing with the puzzle analogy, Mr. Ganem, what
12 happens when sWAA is off?

13 A. When sWAA is off, these puzzle pieces remain in the
14 apartments, locked and not -- they're not combined by Google to
15 form a complete picture.

16 Q. Let's look at the next slide, please.

17 You made this slide as well?

18 A. That's right.

19 Q. Can you please explain to the jury what you're trying to
20 convey on this sWAA-on slide?

21 A. So similar to before, there are still these apartments
22 that are locked where the data is only available to each
23 analytics customer. But in this case, the data is being shared
24 with Google for those users who have sWAA enabled, and the
25 analytics data from the apps they use are -- is saved to their

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1 using personalized advertising when sWAA is off?

2 **A.** No. Google doesn't build personalized advertising
3 profiles based on sWAA-off data.

4 **Q.** So just to summarize it for the jury, sir, could you just
5 spell out for us the difference between, in the puzzle analogy,
6 sWAA on and sWAA off?

7 **A.** In the puzzle analogy, when sWAA is on, these puzzle
8 pieces can be saved to your Google Account and in such a way
9 that they're identified with you or associated with your
10 Google Account, providing Google with a more complete picture
11 of your Web & App Activity so that it can do personalization.

12 In the sWAA-off example, this data remains completely
13 de- -- non-personal information or de-identified and is used to
14 provide app developers with insights on how users are using
15 their apps so that they can build and improve their apps.

16 **Q.** Mr. Ganem, have you heard some of the people at this table
17 describe WAA as a fake button?

18 **A.** I have.

19 **Q.** Do you have any response to that?

20 **A.** I think it's demonstrably false that it's fake. The way
21 that we apply it in Google Analytics, it has clear differences,
22 as you can see in the diagram.

23 **Q.** Now, you've also, I think, heard yesterday Mr. Rodriguez
24 accuse Google of collecting his name and his email and his
25 phone number through Google Analytics. Do you recall that

1 A. I heard about it for the first time yesterday.

2 Q. Not a big competitor?

3 A. Not as far as I know.

4 Q. What -- when you're competing with Facebook and Adobe and
5 AppsFlyer to try and make sure that people use your product,
6 what are the differentiators that you emphasize with them?

7 A. Well, one is that we believe that Google as a -- Google is
8 trusted as a brand that has -- offers security. There's not
9 data breaches associated with Google. We are known to be very
10 technically strong and trustworthy. Businesses already trust
11 Google often with their email accounts and cloud. So trust is
12 a big factor.

13 Another one is, by being part of this Firebase platform,
14 they know that it can help them build better apps.

15 And then last, I would say, is data privacy first.
16 Google Analytics offers a host of data privacy features for our
17 customers to implement their privacy policies.

18 Q. Do apps just choose among all of these competitors and
19 install one analytics SDK?

20 A. No, not typically. What we've seen, and we've run
21 research on this recently to confirm it, is that on average,
22 customers use at least four analytics solutions simultaneously.

23 Q. The average app uses, sorry, at least four analytics SDKs?

24 A. Yes.

25 Q. Why would an app like Reddit use four analytics SDKs?